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S E C R E T SECTION 01 OF 02 JAKARTA 002122

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SUBJECT: MUNIR CASE: ATTORNEY GENERAL FILES APPEAL BASED ON NEW EVIDENCE

REF: A) JAKARTA 1223 B) JAKARTA 163 C) JAKARTA 13007

(2006)

Classified By: POL/C JOSEPH LEGEND NOVAK, REASON 1.4 (B AND D)

**¶1.** (S) Summary. The Attorney General's Office (AGO) has requested a case review of the December 2006 acquittal of Polycarpus in the September 2004 murder of human rights leader Munir. While this appeal is unusual, the appeal cites case precedent as well as "the principle of justice," according to a copy of the appeal. The appeal furthermore cites new evidence allegedly linking Polycarpus directly to Indonesian Intelligence Agency (BIN) agents and cites testimony that BIN conspired in the murder. Usman Hamid (protect), attorney for Munir's widow, Suciwati, provided Poloff with a copy of the appeal on August 6, saying that he is optimistic that the police and the Attorney General are making a good faith effort to solve the case. End Summary.

A RARE APPEAL

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**¶2.** (S) The AGO has filed a highly unusual appeal based on legal precedents, according to a July 26 case review request filed by the Indonesian AGO. The request appeals last year's acquittal of off-duty pilot Polycarpus in the murder of human rights activist Munir. The appeal asks the court to consider the appeal in the interest of "a more fair conclusion" and "according to the principle of justice." The review will be considered by Jakarta Central Court on August 9 for administrative review on whether to return the case to the Supreme Court.

**¶3.** (S) Human rights lawyer Usman Hamid told us that because of two judicial precedents, the Supreme Court might agree to the appeal. Hamid said Attorney General Hendarman Supandji told him in a recent meeting that even if the court does not agree to retrying Polycarpus, prosecutors hope that the appeal will lead to other prosecutions in the Munir case. More prosecutions would be based on new evidence in the appeal implicating several new suspects in a conspiracy.

**¶4.** (S) The appeal cites a new witness to Polycarpus' alleged poisoning of Munir at about 1 p.m. on September 6, 2004, at the Coffee Bean coffee shop at Changi airport in Singapore. The key witness is rock singer Ongen (Ref A), who witnessed Polycarpus serving Munir a drink. Ongen is currently hidden under witness protection.

**¶5.** (S) The appeal also cites forensic evidence of a sample of Munir's corpse analyzed by a private lab in Washington state (Ref A), which concluded that the type and level of arsenic in Munir's body would have resulted in death within eight or

nine hours (which is consistent with the time of Munir's death).

INTELLIGENCE AGENT COMES FORTH

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¶6. (S) The appeal also names a key new witness from BIN, Raden Mohammad Patma Anwar, who told police that BIN Deputy II Manunggal Maladi had instructed agents to "kill Munir before the Presidential elections, either by black magic or poison," the appeal states. Patma told investigators that he and two other agents, Sentot and Wahyu Saronto, Deputy IV at BIN, once visited a witch doctor for advice on killing Munir.

Patma said Sentot furthermore experimented with a poison on cats, according to the appeal. Patma also said he once saw Polycarpus in the BIN parking lot with Sentot.

¶7. (S) The appeal further cites testimony from Garuda Director Idra Setiawan that he had received a written letter from BIN Deputy Director As'ad requesting that the pilot, Polycarpus, be assigned to the airlines' Aviation Security staff. This reassignment allowed Polycarpus to travel with Munir from Jakarta to Singapore, allegedly giving him the opportunity to poison him.

¶8. (S) The appeal does not mention other BIN agents who reportedly witnessed then BIN Chief Hendropriyono plot the murder with agents (Refs A and B). Suciwati's lawyer, Hamid, told Poloff that police sources had told him that BIN had four hit teams assigned to kill Munir by car bombing, in his office, by black magic or by other means, and apparently the last team succeeded. The appeal also is not clear on the exact motive.

¶9. (C) Hamid said the biggest risk to the case now is whether

JAKARTA 00002122 002 OF 002

the witnesses will actually come forth and testify.

POSITIVE DEVELOPMENTS

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¶10. (C) This appeal is a valiant effort by police and the AGO to bring Munir's murderers to justice. By implicating BIN, law enforcement authorities are demonstrating strong political will in going after very powerful persons. While the case might not lead directly to those who ordered the murder, it gets close enough to possibly smoke out higher placed persons who might have ordered the murder. Hamid is heartened by developments although worried that witnesses will balk when it comes time to testify.

HUME